

# House Study Bill 730

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY HOUSE  
APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE SYSTEM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to and making appropriations to the justice  
2 system and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5194HB 81  
5 jm/cf/24

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1 1 Section 1. DEPARTMENT OF JUSTICE.  
1 2 1. There is appropriated from the general fund of the  
1 3 state to the department of justice for the fiscal year  
1 4 beginning July 1, 2006, and ending June 30, 2007, the  
1 5 following amounts, or so much thereof as is necessary, to be  
1 6 used for the purposes designated:  
1 7 a. For the general office of attorney general for  
1 8 salaries, support, maintenance, miscellaneous purposes  
1 9 including the prosecuting attorneys training program, victim  
1 10 assistance grants, office of drug control policy (ODCP)  
1 11 prosecuting attorney program, odometer fraud enforcement, and  
1 12 for not more than the following full-time equivalent  
1 13 positions:  
1 14 ..... \$ 8,409,413  
1 15 ..... FTEs 217.50  
1 16 It is the intent of the general assembly that as a  
1 17 condition of receiving the appropriation provided in this  
1 18 lettered paragraph, the department of justice shall maintain a  
1 19 record of the estimated time incurred representing each agency  
1 20 or department.  
1 21 b. For victim assistance grants:  
1 22 ..... \$ 5,000  
1 23 The funds appropriated in this lettered paragraph shall be  
1 24 used to provide grants to care providers providing services to  
1 25 crime victims of domestic abuse or to crime victims of rape  
1 26 and sexual assault.  
1 27 c. For legal services for persons in poverty grants as  
1 28 provided in section 13.34:  
1 29 ..... \$ 900,000  
1 30 2. In addition to the funds appropriated in subsection 1,  
1 31 there is appropriated from the general fund of the state to  
1 32 the department of justice for the fiscal year beginning July  
1 33 1, 2006, and ending June 30, 2007, an amount not exceeding  
1 34 \$200,000 to be used for the enforcement of the Iowa  
1 35 competition law. The funds appropriated in this subsection  
2 1 are contingent upon receipt by the general fund of the state  
2 2 of an amount at least equal to the expenditure amount from  
2 3 either damages awarded to the state or a political subdivision  
2 4 of the state by a civil judgment under chapter 553, if the  
2 5 judgment authorizes the use of the award for enforcement  
2 6 purposes or costs or attorneys fees awarded the state in state  
2 7 or federal antitrust actions. However, if the amounts  
2 8 received as a result of these judgments are in excess of  
2 9 \$200,000, the excess amounts shall not be appropriated to the  
2 10 department of justice pursuant to this subsection. The  
2 11 department of justice shall report the department's actual  
2 12 costs and an estimate of the time incurred enforcing the  
2 13 competition law, to the co-chairpersons and ranking members of  
2 14 the joint appropriations subcommittee on the justice system,  
2 15 and to the legislative services agency by November 15, 2006.  
2 16 3. In addition to the funds appropriated in subsection 1,  
2 17 there is appropriated from the general fund of the state to

2 18 the department of justice for the fiscal year beginning July  
2 19 1, 2006, and ending June 30, 2007, an amount not exceeding  
2 20 \$1,125,000 to be used for public education relating to  
2 21 consumer fraud and for enforcement of section 714.16, and an  
2 22 amount not exceeding \$75,000 for investigation, prosecution,  
2 23 and consumer education relating to consumer and criminal fraud  
2 24 against older Iowans. The funds appropriated in this  
2 25 subsection are contingent upon receipt by the general fund of  
2 26 the state of an amount at least equal to the expenditure  
2 27 amount from damages awarded to the state or a political  
2 28 subdivision of the state by a civil consumer fraud judgment or  
2 29 settlement, if the judgment or settlement authorizes the use  
2 30 of the award for public education on consumer fraud. However,  
2 31 if the funds received as a result of these judgments and  
2 32 settlements are in excess of \$1,200,000, the excess funds  
2 33 shall not be appropriated to the department of justice  
2 34 pursuant to this subsection. The department of justice shall  
2 35 report to the co-chairpersons and ranking members of the joint  
3 1 appropriations subcommittee on the justice system, and to the  
3 2 legislative services agency by November 15, 2006, the  
3 3 department's actual costs and an estimate of the time incurred  
3 4 in providing education pursuant to and enforcing this  
3 5 subsection.

3 6 4. The balance of the victim compensation fund established  
3 7 in section 915.94 may be used to provide salary and support of  
3 8 not more than 22 FTEs and to provide maintenance for the  
3 9 victim compensation functions of the department of justice.

3 10 5. As a condition of receiving the appropriation in  
3 11 subsection 1, the department of justice shall transfer at  
3 12 least \$2,450,000 from the victim compensation grant fund established  
3 13 in section 915.94 to the victim assistance grant program.

3 14 6. a. The department of justice, in submitting budget  
3 15 estimates for the fiscal year commencing July 1, 2007,  
3 16 pursuant to section 8.23, shall include a report of funding  
3 17 from sources other than amounts appropriated directly from the  
3 18 general fund of the state to the department of justice or to  
3 19 the office of consumer advocate. These funding sources shall  
3 20 include, but are not limited to, reimbursements from other  
3 21 state agencies, commissions, boards, or similar entities, and  
3 22 reimbursements from special funds or internal accounts within  
3 23 the department of justice. The department of justice shall  
3 24 report actual reimbursements for the fiscal year commencing  
3 25 July 1, 2005, and actual and expected reimbursements for the  
3 26 fiscal year commencing July 1, 2006.

3 27 b. The department of justice shall include the report  
3 28 required under paragraph "a", as well as information regarding  
3 29 any revisions occurring as a result of reimbursements actually  
3 30 received or expected at a later date, in a report to the co=  
3 31 chairpersons and ranking members of the joint appropriations  
3 32 subcommittee on the justice system and the legislative  
3 33 services agency. The department of justice shall submit the  
3 34 report on or before January 15, 2007.

3 35 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES  
4 1 INVESTIGATION AND PROSECUTION == FUNDING. There is  
4 2 appropriated from the environmental crime fund of the  
4 3 department of justice, consisting of court-ordered fines and  
4 4 penalties awarded to the department arising out of the  
4 5 prosecution of environmental crimes, to the department of  
4 6 justice for the fiscal year beginning July 1, 2006, and ending  
4 7 June 30, 2007, an amount not exceeding \$20,000 to be used by  
4 8 the department, at the discretion of the attorney general, for  
4 9 the investigation and prosecution of environmental crimes,  
4 10 including the reimbursement of expenses incurred by county,  
4 11 municipal, and other local governmental agencies cooperating  
4 12 with the department in the investigation and prosecution of  
4 13 environmental crimes.

4 14 The funds appropriated in this section are contingent upon  
4 15 receipt by the environmental crime fund of the department of  
4 16 justice of an amount at least equal to the appropriations made  
4 17 in this section and received from contributions, court-ordered  
4 18 restitution as part of judgments in criminal cases, and  
4 19 consent decrees entered into as part of civil or regulatory  
4 20 enforcement actions. However, if the funds received during  
4 21 the fiscal year are in excess of \$20,000, the excess funds  
4 22 shall be deposited in the general fund of the state.

4 23 Notwithstanding section 8.33, moneys appropriated in this  
4 24 section that remain unencumbered or unobligated at the close  
4 25 of the fiscal year shall not revert but shall remain available  
4 26 for expenditure for the purpose designated until the close of  
4 27 the succeeding fiscal year.

4 28 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is

4 29 appropriated from the general fund of the state to the office  
4 30 of consumer advocate of the department of justice for the  
4 31 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
4 32 the following amount, or so much thereof as is necessary, to  
4 33 be used for the purposes designated:

4 34 For salaries, support, maintenance, miscellaneous purposes,  
4 35 and for not more than the following full-time equivalent  
5 1 positions:

5 2 ..... \$ 2,887,017  
5 3 ..... FTEs 27.00

5 4 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.

5 5 1. There is appropriated from the general fund of the  
5 6 state to the department of corrections for the fiscal year  
5 7 beginning July 1, 2006, and ending June 30, 2007, the  
5 8 following amounts, or so much thereof as is necessary, to be  
5 9 used for the purposes designated:

5 10 For the operation of adult correctional institutions,  
5 11 reimbursement of counties for certain confinement costs, and  
5 12 federal prison reimbursement, to be allocated as follows:

5 13 a. For the operation of the Fort Madison correctional  
5 14 facility, including salaries, support, maintenance, and  
5 15 miscellaneous purposes:

5 16 ..... \$ 42,423,619

5 17 b. For the operation of the Anamosa correctional facility,  
5 18 including salaries, support, maintenance, and miscellaneous  
5 19 purposes:

5 20 ..... \$ 28,903,747

5 21 Moneys are provided within this appropriation for one full-  
5 22 time substance abuse counselor for the Luster Heights  
5 23 facility, for the purpose of certification of a substance  
5 24 abuse program at that facility.

5 25 c. For the operation of the Oakdale correctional facility,  
5 26 including salaries, support, maintenance, and miscellaneous  
5 27 purposes:

5 28 ..... \$ 28,758,965

5 29 d. For the operation of the Newton correctional facility,  
5 30 including salaries, support, maintenance, and miscellaneous  
5 31 purposes:

5 32 ..... \$ 26,100,342

5 33 e. For the operation of the Mt. Pleasant correctional  
5 34 facility, including salaries, support, maintenance, and  
5 35 miscellaneous purposes:

6 1 ..... \$ 24,929,418

6 2 f. For the operation of the Rockwell City correctional  
6 3 facility, including salaries, support, maintenance, and  
6 4 miscellaneous purposes:

6 5 ..... \$ 8,554,855

6 6 g. For the operation of the Clarinda correctional  
6 7 facility, including salaries, support, maintenance, and  
6 8 miscellaneous purposes:

6 9 ..... \$ 24,251,587

6 10 Moneys received by the department of corrections as  
6 11 reimbursement for services provided to the Clarinda youth  
6 12 corporation are appropriated to the department and shall be  
6 13 used for the purpose of operating the Clarinda correctional  
6 14 facility.

6 15 h. For the operation of the Mitchellville correctional  
6 16 facility, including salaries, support, maintenance, and  
6 17 miscellaneous purposes:

6 18 ..... \$ 14,925,151

6 19 i. For the operation of the Fort Dodge correctional  
6 20 facility, including salaries, support, maintenance, and  
6 21 miscellaneous purposes:

6 22 ..... \$ 27,758,806

6 23 j. For reimbursement of counties for temporary confinement  
6 24 of work release and parole violators, as provided in sections  
6 25 901.7, 904.908, and 906.17 and for offenders confined pursuant  
6 26 to section 904.513:

6 27 ..... \$ 799,954

6 28 k. For federal prison reimbursement, reimbursements for  
6 29 out-of-state placements, and miscellaneous contracts:

6 30 ..... \$ 241,293

6 31 2. The department of corrections shall use funds  
6 32 appropriated in subsection 1 to continue to contract for the  
6 33 services of a Muslim imam.

6 34 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

6 35 1. There is appropriated from the general fund of the  
7 1 state to the department of corrections for the fiscal year  
7 2 beginning July 1, 2006, and ending June 30, 2007, the  
7 3 following amounts, or so much thereof as is necessary, to be  
7 4 used for the purposes designated:

7 5 a. For general administration, including salaries,  
7 6 support, maintenance, employment of an education director to  
7 7 administer a centralized education program for the  
7 8 correctional system, and miscellaneous purposes:

7 9 ..... \$ 3,872,634

7 10 (1) It is the intent of the general assembly that as a  
7 11 condition of receiving the appropriation provided in this  
7 12 lettered paragraph, the department of corrections shall not,  
7 13 except as otherwise provided in subparagraph (3), enter into a  
7 14 new contract, unless the contract is a renewal of an existing  
7 15 contract, for the expenditure of moneys in excess of \$100,000  
7 16 during the fiscal year beginning July 1, 2006, for the  
7 17 privatization of services performed by the department using  
7 18 state employees as of July 1, 2006, or for the privatization  
7 19 of new services by the department, without prior consultation  
7 20 with any applicable state employee organization affected by  
7 21 the proposed new contract and prior notification of the co=  
7 22 chairpersons and ranking members of the joint appropriations  
7 23 subcommittee on the justice system.

7 24 (2) It is the intent of the general assembly that each  
7 25 lease negotiated by the department of corrections with a  
7 26 private corporation for the purpose of providing private  
7 27 industry employment of inmates in a correctional institution  
7 28 shall prohibit the private corporation from utilizing inmate  
7 29 labor for partisan political purposes for any person seeking  
7 30 election to public office in this state and that a violation  
7 31 of this requirement shall result in a termination of the lease  
7 32 agreement.

7 33 (3) It is the intent of the general assembly that as a  
7 34 condition of receiving the appropriation provided in this  
7 35 lettered paragraph, the department of corrections shall not  
8 1 enter into a lease or contractual agreement pursuant to  
8 2 section 904.809 with a private corporation for the use of  
8 3 building space for the purpose of providing inmate employment  
8 4 without providing that the terms of the lease or contract  
8 5 establish safeguards to restrict, to the greatest extent  
8 6 feasible, access by inmates working for the private  
8 7 corporation to personal identifying information of citizens.

8 8 b. For educational programs for inmates at state penal  
8 9 institutions:  
8 10 ..... \$ 1,070,358

8 11 It is the intent of the general assembly that moneys  
8 12 appropriated in this lettered paragraph shall be used solely  
8 13 for the purpose indicated and that the moneys shall not be  
8 14 transferred for any other purpose. In addition, it is the  
8 15 intent of the general assembly that the department shall  
8 16 consult with the community colleges in the areas in which the  
8 17 institutions are located to utilize moneys appropriated in  
8 18 this lettered paragraph to fund the high school completion,  
8 19 high school equivalency diploma, adult literacy, and adult  
8 20 basic education programs in a manner so as to maintain these  
8 21 programs at the institutions.

8 22 To maximize the funding for educational programs, the  
8 23 department shall establish guidelines and procedures to  
8 24 prioritize the availability of educational and vocational  
8 25 training for inmates based upon the goal of facilitating an  
8 26 inmate's successful release from the correctional institution.

8 27 The director of the department of corrections may transfer  
8 28 moneys from Iowa prison industries for use in educational  
8 29 programs for inmates.

8 30 Notwithstanding section 8.33, moneys appropriated in this  
8 31 lettered paragraph that remain unobligated or unexpended at  
8 32 the close of the fiscal year shall not revert but shall remain  
8 33 available for expenditure only for the purpose designated in  
8 34 this lettered paragraph until the close of the succeeding  
8 35 fiscal year.

9 1 c. For the development of the Iowa corrections offender  
9 2 network (ICON) data system:  
9 3 ..... \$ 427,700

9 4 d. For offender mental health and substance abuse  
9 5 treatment:  
9 6 ..... \$ 25,000

9 7 e. For viral hepatitis prevention and treatment:  
9 8 ..... \$ 188,000

9 9 2. It is the intent of the general assembly that the  
9 10 department of corrections shall continue to operate the  
9 11 correctional farms under the control of the department at the  
9 12 same or greater level of participation and involvement as  
9 13 existed as of January 1, 2006, shall not enter into any rental  
9 14 agreement or contract concerning any farmland under the  
9 15 control of the department that is not subject to a rental

9 16 agreement or contract as of January 1, 2006, without prior  
9 17 legislative approval, and shall further attempt to provide job  
9 18 opportunities at the farms for inmates. The department shall  
9 19 attempt to provide job opportunities at the farms for inmates  
9 20 by encouraging labor-intensive farming or gardening where  
9 21 appropriate, using inmates to grow produce and meat for  
9 22 institutional consumption, researching the possibility of  
9 23 instituting food canning and cook-and-chill operations, and  
9 24 exploring opportunities for organic farming and gardening,  
9 25 livestock ventures, horticulture, and specialized crops.

9 26 3. The department shall work to increase produce gardening  
9 27 by inmates under the control of the correctional institutions,  
9 28 and, if appropriate, may use the central distribution network  
9 29 at the Woodward state resource center. The department shall  
9 30 file a report with the co-chairpersons and ranking members of  
9 31 the joint appropriations subcommittee on the justice system by  
9 32 December 1, 2006, regarding the feasibility of expanding the  
9 33 number of acres devoted to organic gardening and to the  
9 34 growing of organic produce for sale.

9 35 4. The department of corrections shall submit a report to  
10 1 the general assembly by January 1, 2007, concerning moneys  
10 2 recouped from inmate earnings for the reimbursement of  
10 3 operational expenses of the applicable facility during the  
10 4 fiscal year beginning July 1, 2005, for each correctional  
10 5 institution and judicial district department of correctional  
10 6 services. In addition, each correctional institution and  
10 7 judicial district department of correctional services shall  
10 8 continue to submit a report to the legislative services agency  
10 9 on a monthly basis concerning moneys recouped from inmate  
10 10 earnings pursuant to sections 904.702, 904.809, and 905.14.

10 11 5. It is the intent of the general assembly that as a  
10 12 condition of receiving the appropriation provided in  
10 13 subsection 1, the department shall not enter into any  
10 14 agreement with a private sector nongovernmental entity for the  
10 15 purpose of housing inmates committed to the custody of the  
10 16 director of the department, without express authorization of  
10 17 the general assembly to do so.

10 18 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
10 19 SERVICES.

10 20 1. There is appropriated from the general fund of the  
10 21 state to the department of corrections for the fiscal year  
10 22 beginning July 1, 2006, and ending June 30, 2007, the  
10 23 following amounts, or so much thereof as is necessary, to be  
10 24 allocated as follows:

10 25 a. For the first judicial district department of  
10 26 correctional services, including the treatment and supervision  
10 27 of probation and parole violators who have been released from  
10 28 the department of corrections violator program, the following  
10 29 amount, or so much thereof as is necessary:  
10 30 ..... \$ 11,187,038

10 31 b. For the second judicial district department of  
10 32 correctional services, including the treatment and supervision  
10 33 of probation and parole violators who have been released from  
10 34 the department of corrections violator program, the following  
10 35 amount, or so much thereof as is necessary:  
11 1 ..... \$ 8,866,289

11 2 c. For the third judicial district department of  
11 3 correctional services, including the treatment and supervision  
11 4 of probation and parole violators who have been released from  
11 5 the department of corrections violator program, the following  
11 6 amount, or so much thereof as is necessary:  
11 7 ..... \$ 5,230,178

11 8 d. For the fourth judicial district department of  
11 9 correctional services, including the treatment and supervision  
11 10 of probation and parole violators who have been released from  
11 11 the department of corrections violator program, the following  
11 12 amount, or so much thereof as is necessary:  
11 13 ..... \$ 4,754,670

11 14 e. For the fifth judicial district department of  
11 15 correctional services, including the treatment and supervision  
11 16 of probation and parole violators who have been released from  
11 17 the department of corrections violator program, and funding  
11 18 for electronic monitoring devices for use on a statewide  
11 19 basis, the following amount, or so much thereof as is  
11 20 necessary:  
11 21 ..... \$ 16,290,113

11 22 f. For the sixth judicial district department of  
11 23 correctional services, including the treatment and supervision  
11 24 of probation and parole violators who have been released from  
11 25 the department of corrections violator program, the following  
11 26 amount, or so much thereof as is necessary:

11 27 ..... \$ 11,098,945  
11 28 g. For the seventh judicial district department of  
11 29 correctional services, including the treatment and supervision  
11 30 of probation and parole violators who have been released from  
11 31 the department of corrections violator program, the following  
11 32 amount, or so much thereof as is necessary:

11 33 ..... \$ 6,292,137  
11 34 h. For the eighth judicial district department of  
11 35 correctional services, including the treatment and supervision  
12 1 of probation and parole violators who have been released from  
12 2 the department of corrections violator program, the following  
12 3 amount, or so much thereof as is necessary:

12 4 ..... \$ 6,346,303  
12 5 i. For a transitional housing pilot project for offenders  
12 6 on parole who are in the early stages of recovery from  
12 7 substance abuse:  
12 8 ..... \$ 20,000

12 9 2. Each judicial district department of correctional  
12 10 services, within the funding available, shall continue  
12 11 programs and plans established within that district to provide  
12 12 for intensive supervision, sex offender treatment, diversion  
12 13 of low-risk offenders to the least restrictive sanction  
12 14 available, job development, and expanded use of intermediate  
12 15 criminal sanctions.

12 16 3. Each judicial district department of correctional  
12 17 services shall provide alternatives to prison consistent with  
12 18 chapter 901B. The alternatives to prison shall ensure public  
12 19 safety while providing maximum rehabilitation to the offender.  
12 20 A judicial district department may also establish a day  
12 21 program.

12 22 4. The governor's office of drug control policy shall  
12 23 consider federal grants made to the department of corrections  
12 24 for the benefit of each of the eight judicial district  
12 25 departments of correctional services as local government  
12 26 grants, as defined pursuant to federal regulations.

12 27 5. The department of corrections shall continue to  
12 28 contract with a judicial district department of correctional  
12 29 services to provide for the rental of electronic monitoring  
12 30 equipment which shall be available statewide.

12 31 Sec. 7. DEPARTMENT OF CORRECTIONS == REALLOCATION OF  
12 32 APPROPRIATIONS. Notwithstanding section 8.39, within the  
12 33 funds appropriated in this Act to the department of  
12 34 corrections, the department may reallocate the funds  
12 35 appropriated and allocated as necessary to best fulfill the  
13 1 needs of the correctional institutions, administration of the  
13 2 department, and the judicial district departments of  
13 3 correctional services. However, in addition to the  
13 4 requirements of sections 904.116 and 905.8, the department of  
13 5 corrections shall also provide notice to the department of  
13 6 management and the district board of any judicial district  
13 7 department of correctional services affected by the revision  
13 8 or reallocation, prior to the effective date of the revision  
13 9 or reallocation or an appropriation made pursuant to this  
13 10 section. The department shall not reallocate an appropriation  
13 11 or allocation for the purpose of eliminating any program.

13 12 Sec. 8. INTENT == REPORTS.

13 13 1. The department of corrections shall submit a report on  
13 14 inmate labor to the general assembly, to the co-chairpersons  
13 15 and the ranking members of the joint appropriations  
13 16 subcommittee on the justice system, and to the legislative  
13 17 services agency by January 15, 2007. The report shall  
13 18 specifically address the progress the department has made in  
13 19 implementing the requirements of section 904.701, inmate labor  
13 20 on capital improvement projects, community work crews, inmate  
13 21 produce gardening, and private-sector employment.

13 22 2. The department in cooperation with townships, the Iowa  
13 23 cemetery associations, and other nonprofit or governmental  
13 24 entities may use inmate labor to restore or preserve rural  
13 25 cemeteries and historical landmarks. The department in  
13 26 cooperation with the counties may also use inmate labor to  
13 27 clean up roads, major water sources, and other water sources  
13 28 around the state.

13 29 3. Each month the department shall provide a status report  
13 30 regarding private-sector employment to the legislative  
13 31 services agency beginning on July 1, 2006. The report shall  
13 32 include the number of offenders employed in the private  
13 33 sector, the combined number of hours worked by the offenders,  
13 34 and the total amount of allowances, and the distribution of  
13 35 allowances pursuant to section 904.702, including any moneys  
14 1 deposited in the general fund of the state.

14 2 Sec. 9. ELECTRONIC MONITORING REPORT. The department of

14 3 corrections shall submit a report on electronic monitoring to  
14 4 the general assembly, to the co-chairpersons and the ranking  
14 5 members of the joint appropriations subcommittee on the  
14 6 justice system, and to the legislative services agency by  
14 7 January 15, 2007. The report shall specifically address the  
14 8 number of persons being electronically monitored and break  
14 9 down the number of persons being electronically monitored by  
14 10 offense committed. The report shall also include a comparison  
14 11 of any data from the prior fiscal year with the current year.

14 12 Sec. 10. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

14 13 1. As used in this section, unless the context otherwise  
14 14 requires, "state agency" means the government of the state of  
14 15 Iowa, including but not limited to all executive branch  
14 16 departments, agencies, boards, bureaus, and commissions, the  
14 17 judicial branch, the general assembly and all legislative  
14 18 agencies, institutions within the purview of the state board  
14 19 of regents, and any corporation whose primary function is to  
14 20 act as an instrumentality of the state.

14 21 2. State agencies are hereby encouraged to purchase  
14 22 products from Iowa state industries, as defined in section  
14 23 904.802, when purchases are required and the products are  
14 24 available from Iowa state industries. State agencies shall  
14 25 obtain bids from Iowa state industries for purchases of office  
14 26 furniture exceeding \$5,000 or in accordance with applicable  
14 27 administrative rules related to purchases for the agency.

14 28 Sec. 11. CORRECTIONAL FACILITY FOR THE SUBSTANCE ABUSE  
14 29 TREATMENT OF INMATES. The department of corrections shall  
14 30 develop a proposal that designates an existing correctional  
14 31 facility as a facility that is dedicated to providing  
14 32 substance abuse treatment to offenders committed to the  
14 33 custody of the department. The proposal shall contain a  
14 34 reallocation of existing resources to convert an existing  
14 35 correctional facility to a substance abuse treatment facility,  
15 1 and outline the time period for the conversion of such a  
15 2 facility to a substance abuse facility. The department shall  
15 3 file the proposal with the legislative services agency no  
15 4 later than January 15, 2007.

15 5 Sec. 12. STATE PUBLIC DEFENDER. There is appropriated  
15 6 from the general fund of the state to the office of the state  
15 7 public defender of the department of inspections and appeals  
15 8 for the fiscal year beginning July 1, 2006, and ending June  
15 9 30, 2007, the following amounts, or so much thereof as is  
15 10 necessary, to be allocated as follows for the purposes  
15 11 designated:

15 12 1. For salaries, support, maintenance, and miscellaneous  
15 13 purposes, and for not more than the following full-time  
15 14 equivalent positions:

15 15 ..... \$ 19,792,963  
15 16 ..... FTEs 202.00

15 17 2. For the fees of court-appointed attorneys for indigent  
15 18 adults and juveniles, in accordance with section 232.141 and  
15 19 chapter 815:

15 20 ..... \$ 25,163,082

15 21 Sec. 13. IOWA LAW ENFORCEMENT ACADEMY.

15 22 1. There is appropriated from the general fund of the  
15 23 state to the Iowa law enforcement academy for the fiscal year  
15 24 beginning July 1, 2006, and ending June 30, 2007, the  
15 25 following amount, or so much thereof as is necessary, to be  
15 26 used for the purposes designated:

15 27 For salaries, support, maintenance, miscellaneous purposes,  
15 28 including jailer training and technical assistance, and for  
15 29 not more than the following full-time equivalent positions:

15 30 ..... \$ 1,172,389  
15 31 ..... FTEs 30.05

15 32 It is the intent of the general assembly that the Iowa law  
15 33 enforcement academy may provide training of state and local  
15 34 law enforcement personnel concerning the recognition of and  
15 35 response to persons with Alzheimer's disease.

16 1 The Iowa law enforcement academy may temporarily exceed and  
16 2 draw more than the amount appropriated and incur a negative  
16 3 cash balance as long as there are receivables equal to or  
16 4 greater than the negative balance and the amount appropriated  
16 5 in this subsection is not exceeded at the close of the fiscal  
16 6 year.

16 7 2. The Iowa law enforcement academy may select at least  
16 8 five automobiles of the department of public safety, division  
16 9 of state patrol, prior to turning over the automobiles to the  
16 10 department of administrative services to be disposed of by  
16 11 public auction and the Iowa law enforcement academy may  
16 12 exchange any automobile owned by the academy for each  
16 13 automobile selected if the selected automobile is used in

16 14 training law enforcement officers at the academy. However,  
16 15 any automobile exchanged by the academy shall be substituted  
16 16 for the selected vehicle of the department of public safety  
16 17 and sold by public auction with the receipts being deposited  
16 18 in the depreciation fund to the credit of the department of  
16 19 public safety, division of state patrol.

16 20 Sec. 14. BOARD OF PAROLE. There is appropriated from the  
16 21 general fund of the state to the board of parole for the  
16 22 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
16 23 the following amount, or so much thereof as is necessary, to  
16 24 be used for the purposes designated:

16 25 For salaries, support, maintenance, miscellaneous purposes,  
16 26 and for not more than the following full-time equivalent  
16 27 positions:  
16 28 ..... \$ 1,156,960  
16 29 ..... FTEs 17.50

16 30 Sec. 15. DEPARTMENT OF PUBLIC DEFENSE. There is  
16 31 appropriated from the general fund of the state to the  
16 32 department of public defense for the fiscal year beginning  
16 33 July 1, 2006, and ending June 30, 2007, the following amounts,  
16 34 or so much thereof as is necessary, to be used for the  
16 35 purposes designated:

17 1 1. MILITARY DIVISION

17 2 For salaries, support, maintenance, miscellaneous purposes,  
17 3 and for not more than the following full-time equivalent  
17 4 positions:

17 5 ..... \$ 5,724,545  
17 6 ..... FTEs 316.55

17 7 The military division may temporarily exceed and draw more  
17 8 than the amount appropriated and incur a negative cash balance  
17 9 as long as there are receivables of federal funds equal to or  
17 10 greater than the negative balance and the amount appropriated  
17 11 in this subsection is not exceeded at the close of the fiscal  
17 12 year.

17 13 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

17 14 a. For salaries, support, maintenance, miscellaneous  
17 15 purposes, and for not more than the following full-time  
17 16 equivalent positions:

17 17 ..... \$ 1,254,029  
17 18 ..... FTEs 24.75

17 19 b. For the Iowa civil air patrol:

17 20 ..... \$ 100,000

17 21 Sec. 16. DEPARTMENT OF PUBLIC SAFETY. There is  
17 22 appropriated from the general fund of the state to the  
17 23 department of public safety for the fiscal year beginning July  
17 24 1, 2006, and ending June 30, 2007, the following amounts, or  
17 25 so much thereof as is necessary, to be used for the purposes  
17 26 designated:

17 27 1. For the department's administrative functions,  
17 28 including the criminal justice information system, and for not  
17 29 more than the following full-time equivalent positions:

17 30 ..... \$ 3,656,020  
17 31 ..... FTEs 38.00

17 32 2. For the division of criminal investigation, including  
17 33 the state's contribution to the peace officers' retirement,  
17 34 accident, and disability system provided in chapter 97A in the  
17 35 amount of 17 percent of the salaries for which the funds are  
18 1 appropriated, to meet federal fund matching requirements, and  
18 2 for not more than the following full-time equivalent  
18 3 positions:

18 4 ..... \$ 18,673,875  
18 5 ..... FTEs 270.50

18 6 The department of public safety, with the approval of the  
18 7 department of management, may employ no more than two special  
18 8 agents and four gaming enforcement officers for each  
18 9 additional riverboat regulated after July 1, 2006, and one  
18 10 special agent for each racing facility which becomes  
18 11 operational during the fiscal year which begins July 1, 2006.  
18 12 One additional gaming enforcement officer, up to a total of  
18 13 four per riverboat, may be employed for each riverboat that  
18 14 has extended operations to 24 hours and has not previously  
18 15 operated with a 24-hour schedule. Positions authorized in  
18 16 this paragraph are in addition to the full-time equivalent  
18 17 positions otherwise authorized in this subsection.

18 18 3. For the criminalistics laboratory fund created in  
18 19 section 602.8108:

18 20 ..... \$ 342,000

18 21 4. a. For the division of narcotics enforcement,  
18 22 including the state's contribution to the peace officers'  
18 23 retirement, accident, and disability system provided in  
18 24 chapter 97A in the amount of 17 percent of the salaries for

18 25 which the funds are appropriated, to meet federal fund  
18 26 matching requirements, and for not more than the following  
18 27 full-time equivalent positions:  
18 28 ..... \$ 5,349,198  
18 29 ..... FTEs 74.00  
18 30 b. For the division of narcotics enforcement for  
18 31 undercover purchases:  
18 32 ..... \$ 123,343  
18 33 5. a. For the division of state fire marshal, including  
18 34 the state's contribution to the peace officers' retirement,  
18 35 accident, and disability system provided in chapter 97A in the  
19 1 amount of 17 percent of the salaries for which the funds are  
19 2 appropriated, and for not more than the following full-time  
19 3 equivalent positions:  
19 4 ..... \$ 2,513,247  
19 5 ..... FTEs 41.00  
19 6 b. For the division of state fire marshal, for fire  
19 7 protection services as provided through the state fire service  
19 8 and emergency response council as created in the department,  
19 9 and for not more than the following full-time equivalent  
19 10 positions:  
19 11 ..... \$ 675,820  
19 12 ..... FTEs 10.00  
19 13 6. For the division of state patrol, for salaries,  
19 14 support, maintenance, workers' compensation costs, and  
19 15 miscellaneous purposes, including the state's contribution to  
19 16 the peace officers' retirement, accident, and disability  
19 17 system provided in chapter 97A in the amount of 17 percent of  
19 18 the salaries for which the funds are appropriated, and for not  
19 19 more than the following full-time equivalent positions:  
19 20 ..... \$ 45,185,618  
19 21 ..... FTEs 531.00  
19 22 It is the intent of the general assembly that members of  
19 23 the state patrol be assigned to patrol the highways and roads  
19 24 in lieu of assignments for inspecting school buses for the  
19 25 school districts.  
19 26 7. For deposit in the sick leave benefits fund established  
19 27 under section 80.42, for all departmental employees eligible  
19 28 to receive benefits for accrued sick leave under the  
19 29 collective bargaining agreement:  
19 30 ..... \$ 316,179  
19 31 An employee of the department of public safety who retires  
19 32 after July 1, 2006, but prior to June 30, 2007, is eligible  
19 33 for payment of life or health insurance premiums as provided  
19 34 for in the collective bargaining agreement covering the public  
19 35 safety bargaining unit at the time of retirement if that  
20 1 employee previously served in a position which would have been  
20 2 covered by the agreement. The employee shall be given credit  
20 3 for the service in that prior position as though it were  
20 4 covered by that agreement. The provisions of this subsection  
20 5 shall not operate to reduce any retirement benefits an  
20 6 employee may have earned under other collective bargaining  
20 7 agreements or retirement programs.  
20 8 8. For costs associated with the training and equipment  
20 9 needs of volunteer fire fighters:  
20 10 ..... \$ 699,587  
20 11 Notwithstanding section 8.33, moneys appropriated in this  
20 12 subsection that remain unobligated or unexpended at the close  
20 13 of the fiscal year shall not revert but shall remain available  
20 14 for expenditure only for the purpose designated in this  
20 15 subsection until the close of the succeeding fiscal year.  
20 16 9. For capitol building and judicial building security:  
20 17 ..... \$ 775,000  
20 18 Notwithstanding section 8.39, within the funds appropriated  
20 19 in this section the department of public safety may reallocate  
20 20 funds as necessary to best fulfill the needs provided for in  
20 21 the appropriation. However, the department shall not  
20 22 reallocate an appropriation made to the department in this  
20 23 section unless notice of the reallocation is given to the  
20 24 legislative services agency and the department of management  
20 25 prior to the effective date of the reallocation. The notice  
20 26 shall include information about the rationale for reallocating  
20 27 the appropriation. The department shall not reallocate an  
20 28 appropriation made in this section for the purpose of  
20 29 eliminating any program.  
20 30 Sec. 17. CIVIL RIGHTS COMMISSION. There is appropriated  
20 31 from the general fund of the state to the Iowa state civil  
20 32 rights commission for the fiscal year beginning July 1, 2006,  
20 33 and ending June 30, 2007, the following amount, or so much  
20 34 thereof as is necessary, to be used for the purposes  
20 35 designated:

21 1 For salaries, support, maintenance, miscellaneous purposes,  
21 2 and for not more than the following full-time equivalent  
21 3 positions:

21 4 ..... \$ 985,753  
21 5 ..... FTEs 25.90

21 6 The Iowa state civil rights commission may enter into a  
21 7 contract with a nonprofit organization to provide legal  
21 8 assistance to resolve civil rights complaints.

21 9 Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
21 10 DIVISION. There is appropriated from the wireless E911  
21 11 emergency communications fund created in section 34A.7A to the  
21 12 administrator of the homeland security and emergency  
21 13 management division of the department of public defense for  
21 14 the fiscal year beginning July 1, 2006, and ending June 30,  
21 15 2007, an amount not exceeding \$200,000 to be used for  
21 16 implementation, support, and maintenance of the functions of  
21 17 the administrator and program manager under chapter 34A and to  
21 18 employ the auditor of the state to perform an annual audit of  
21 19 the wireless E911 emergency communications fund.

21 20 Sec. 19. IOWA LAW ENFORCEMENT ACADEMY == FEES.  
21 21 Notwithstanding section 80B.11B, the Iowa law enforcement  
21 22 academy may charge more than one-half the cost of providing  
21 23 the basic training course if a majority of the Iowa law  
21 24 enforcement academy council authorizes charging more than one=  
21 25 half of the cost of providing basic training. This section is  
21 26 repealed on June 30, 2007.

21 27 Sec. 20. DEPUTY ADJUTANT GENERAL. Notwithstanding section  
21 28 29A.16, a deputy adjutant general who is a federally  
21 29 recognized officer on May 1, 2006, and who subsequently loses  
21 30 federal recognition due to age, shall continue to serve as a  
21 31 deputy adjutant general until June 30, 2007.

21 32 Sec. 21. TRAVEL POLICY.

21 33 1. For the fiscal year beginning July 1, 2006, each  
21 34 department or independent agency receiving an appropriation in  
21 35 this Act shall review the employee policy for daily or short=  
22 1 term travel including but not limited to the usage of motor  
22 2 pool vehicles under the department of administrative services,  
22 3 employee mileage reimbursement for the use of a personal  
22 4 vehicle, and the usage of private automobile rental companies.  
22 5 Following the review, the department or agency shall implement  
22 6 revisions in the employee policy for daily or short-term  
22 7 travel as necessary to maximize cost savings.

22 8 2. Each department or independent agency subject to  
22 9 subsection 1 shall report to the general assembly's standing  
22 10 committees on government oversight regarding the policy  
22 11 revisions implemented and the savings realized from the  
22 12 changes. An initial report shall be submitted on or before  
22 13 December 1, 2006, and a follow-up report shall be submitted on  
22 14 or before December 1, 2007.

22 15 Sec. 22. Section 904.513, subsection 2, Code 2005, is  
22 16 amended to read as follows:

22 17 2. Upon request by the director a county shall provide  
22 18 temporary confinement for offenders allegedly violating the  
22 19 conditions of assignment to a program under this chapter, if  
22 20 space is available in the county. The department shall  
22 21 negotiate a reimbursement rate with each county. The amount  
22 22 to be reimbursed shall be determined by multiplying the number  
22 23 of days a person is confined by the average daily cost of  
22 24 confining a person in the county facility as negotiated with  
22 25 the department. A county holding offenders in jail due to  
22 26 insufficient space in a community residential facility shall  
22 27 be reimbursed. Payment shall be made upon submission of a  
22 28 voucher executed by the sheriff and approved by the director.  
22 29 A voucher seeking payment shall be submitted within fifteen  
22 30 days of the end of a calendar quarter. If a voucher seeking  
22 31 payment is not made within fifteen days of the end of the  
22 32 calendar quarter, the request may be denied by the department.

22 33 Sec. 23. Section 904.908, Code 2005, is amended by adding  
22 34 the following new subsection:

22 35 NEW SUBSECTION. 3. Any request for reimbursement under  
23 1 subsection 2 shall be made within fifteen days of the end of a  
23 2 calendar quarter. If a request for reimbursement is not made  
23 3 within fifteen days of the end of the calendar quarter, the  
23 4 request may be denied by the department.

23 5 Sec. 24. Section 906.17, Code 2005, is amended by adding  
23 6 the following new subsection:

23 7 NEW SUBSECTION. 3. Any request for reimbursement under  
23 8 subsection 2 shall be made within fifteen days of the end of a  
23 9 calendar quarter. If a request for reimbursement is not made  
23 10 within fifteen days of the end of the calendar quarter, the  
23 11 request may be denied by the department of corrections.

23 12 Sec. 25. EFFECTIVE DATE. The section of this Act  
23 13 addressing section 29A.16, being deemed of immediate  
23 14 importance, takes effect upon enactment.

23 15 EXPLANATION

23 16 This bill makes appropriations for fiscal year 2006=2007  
23 17 from the general fund of the state to the departments of  
23 18 justice, corrections, public defense, and public safety, and  
23 19 the Iowa law enforcement academy, office of consumer advocate,  
23 20 office of the state public defender, board of parole, and Iowa  
23 21 state civil rights commission. The bill also makes related  
23 22 statutory changes.

23 23 The bill addresses Code section 80B.11B to provide that for  
23 24 FY 2006=2007 the Iowa law enforcement academy may charge a  
23 25 department of the state, a member of a police force, or any  
23 26 political subdivision of the state more than one-half of the  
23 27 cost to provide the basic training course for a law  
23 28 enforcement officer, provided a majority of the Iowa law  
23 29 enforcement council approves such a charge. Current law  
23 30 prohibits the Iowa law enforcement academy from charging more  
23 31 than one-half of the cost of providing the basic training  
23 32 course.

23 33 The bill provides that the department of corrections may  
23 34 reallocate appropriated funds between the institutions of the  
23 35 department of corrections, the department's administration,  
24 1 and the judicial district departments of correctional  
24 2 services. The bill provides the department, prior to the  
24 3 effective date of any reallocation, must provide notice to the  
24 4 department of management, the legislative services agency, and  
24 5 the district board of any judicial district department of  
24 6 correctional services affected by the reallocation.

24 7 The bill provides that the department of public safety may  
24 8 also reallocate the funds appropriated to the department  
24 9 between the divisions of the department. The bill provides  
24 10 that the department, prior to the effective date of any  
24 11 reallocation, must provide notice of the reallocation to the  
24 12 department of management and the legislative services agency.

24 13 The bill provides that the department of corrections shall  
24 14 develop a proposal that designates an existing correctional  
24 15 facility as a facility that is dedicated to providing  
24 16 substance abuse treatment to offenders in the custody of the  
24 17 department. The bill provides that any proposal developed  
24 18 shall be from existing funds available to the department.

24 19 The bill addresses Code section 29A.16 to provide that any  
24 20 deputy adjutant general who is a federally recognized officer  
24 21 on May 1, 2006, and who subsequently loses federal recognition  
24 22 due to age, shall continue to serve as a deputy adjutant  
24 23 general until June 30, 2007. This provision takes effect upon  
24 24 enactment.

24 25 The bill includes a directive for the departments and  
24 26 independent agencies receiving an appropriation in the bill to  
24 27 review employee policy for daily or short-term travel and to  
24 28 implement policy revisions to maximize cost savings. The  
24 29 directive includes requirements for reporting to the  
24 30 committees on government oversight.

24 31 The bill amends Code sections 904.513, 904.908, and 906.117  
24 32 to require a county seeking reimbursement for housing persons  
24 33 under the control of the department of corrections to submit a  
24 34 claim for reimbursement from the department within 15 days of  
24 35 the end of the calendar quarter.

25 1 LSB 5194HB 81

25 2 jm:mg/cf/24